

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY MARCH 15, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1899

Introduced by Assembly Member Eng
(Coauthor: Assembly Member Lieu)

February 16, 2010

An act to add Sections 11004.4, 11004.5, 11004.6, and 11004.7 to the Government Code, relating to state agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 1899, as amended, Eng. State agencies: information: Internet Web site.

Existing law requires, subject to specific exemptions, public records to be open to public inspection.

This bill would require the office of the State Chief Information Officer to create and maintain a Reporting Transparency in Government Internet Web site, as prescribed. This bill would require, subject to specific exemptions, state agencies, the Department of General Services, and the office of the State Chief Information Officer to post specified audits and contracts to the state's Reporting Transparency in Government to that Internet Web site. This bill would require the Department of General Services and the office of the State Chief Information Officer to post specified summary data regarding contracts awarded by the state to that Internet Web site. This bill would also require the office of the Governor to post specified financial statements and report reports to that Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Transparency is fundamental to promoting efficiency and
4 effectiveness in state government and strengthening the democratic
5 process by giving citizens enough information to reach their own
6 conclusions about how their tax dollars are being spent.

7 (b) Audits of state agencies and their operations can provide
8 objective and measurable performance reviews and identify and
9 correct inefficient or wasteful practices.

10 (c) Californians seeking information on state governmental
11 operations are often frustrated because a myriad of oversight
12 entities perform audits of state agencies, and the information can
13 be difficult to access due to the lack of a Web-based, central
14 inventory of audits.

15 (d) Many internal audits that state agencies perform on their
16 own operations are finalized but never made public.

17 (e) Billions of dollars in state contracts are entered into each
18 year to purchase goods and services for the people of California,
19 and posting contracts on the Internet is an effective way to help
20 ensure that taxpayers are getting the best value and services are
21 being provided in an efficient manner.

22 (f) The Legislature's continuing commitment to promoting
23 transparency in state government is especially critical while
24 California's economy continues to struggle.

25 SEC. 2. *Section 11004.4 is added to the Government Code, to*
26 *read:*

27 *11004.4. (a) The office of the Chief Information Officer, or its*
28 *successor, shall create and maintain a Reporting Transparency*
29 *in Government Internet Web site for the purposes described in*
30 *Sections 11004.5, 11004.6, and 11004.7.*

31 *(b) In addition to the information required pursuant to Sections*
32 *11004.5, 11004.6, and 11004.7, the Reporting Transparency in*
33 *Government Internet Web site shall also include instructions for*
34 *the public that describe how a person may obtain more detailed*
35 *information for a contract.*

~~SEC. 2.~~

SEC. 3. Section 11004.5 is added to the Government Code, to read:

11004.5. (a) On or before February 15, 2011, a state agency shall post to the state's Reporting Transparency in Government Internet Web site every audit of its operations finalized from January 1, 2008, to December 31, 2010, inclusive.

(b) Within 15 calendar days of finalization, a state agency shall post to the state's Reporting Transparency in Government Internet Web site every audit of its operations finalized from January 1, 2011, and forward.

(c) For purposes of this section, "audit" shall mean any review or evaluation performed by a state agency on itself or by another entity, including, but not limited to, the Bureau of State Audits, the Controller, the Department of Finance, a federal agency with oversight responsibility of the operations of the state agency, or any other nongovernmental organization that monitors or oversees the state agency and that has received public funds.

(d) The Department of General Services and the office of the State Chief Information Officer shall assist a state agency to comply with the requirements of this section.

(e) This section shall not require the posting of information in an audit, including the identity of any undisclosed expert consultant, that is confidential pursuant to a court order, the attorney client privilege, or the attorney work product exception; or information, that, if posted, would jeopardize peace officer safety, criminal intelligence information, ongoing investigatory activities, or any security procedure; or any information the disclosure of which is prohibited by law. Nothing in this section shall be construed to limit the rights of the public to access information pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), or Section 3 of Article I of the California Constitution. Any information withheld from posting shall be replaced with the phrase, "CPRA exemption claimed."

~~SEC. 3.~~

SEC. 4. Section 11004.6 is added to the Government Code, to read:

11004.6. (a) On or before February 15, 2011, the Department of General Services and the office of the State Chief Information

1 Officer shall post *summary data regarding* any contract awarded
2 by the state ~~from January 1, 2008, to December 31, 2010, inclusive,~~
3 *on or after March 31, 2009*, valued at five thousand dollars
4 (\$5,000) or more to the state's Reporting Transparency in
5 Government Internet Web site. *For purposes of this section,*
6 *summary data regarding a contract shall include, but not be limited*
7 *to, the following:*

8 (1) *The department name.*

9 (2) *The contract or order number.*

10 (3) *The total price.*

11 (4) *The contract start and termination dates.*

12 (5) *The supplier name.*

13 (6) *Any special instructions.*

14 (7) *The supplier classification codes.*

15 (8) *The acquisition type.*

16 (9) *The acquisition method.*

17 (10) *The item total.*

18 (11) *The quantity.*

19 (12) *The description.*

20 (13) *The classification codes.*

21 (b) Within 15 calendar days of signing by all parties to the
22 contract, a state agency shall post to the state's Reporting
23 Transparency in Government Internet Web site any contract it
24 awarded from January 1, 2011, and forward that is valued at five
25 thousand dollars (\$5,000) or more.

26 (c) The Department of General Services and the office of the
27 State Chief Information Officer shall assist a state agency to
28 comply with the requirements of this section.

29 (d) This section shall not require the posting of information in
30 a contract, including the identity of any undisclosed expert
31 consultant, that is confidential pursuant to a court order, the
32 attorney client privilege, or the attorney work product exception;
33 or information, that, if posted, would jeopardize peace officer
34 safety, criminal intelligence information, ongoing investigatory
35 activities, or any security procedure; or any information the
36 disclosure of which is prohibited by law. Nothing in this section
37 shall be construed to limit the rights of the public to access
38 information pursuant to the California Public Records Act (Chapter
39 3.5 (commencing with Section 6250) of Division 7 of Title 1), or
40 Section 3 of Article I of the California Constitution. Any

1 information withheld from posting shall be replaced with the
2 phrase, “CPRA exemption claimed.”

3 ~~SEC. 4.~~

4 *SEC. 5.* Section 11004.7 is added to the Government Code, to
5 read:

6 11004.7. The office of the Governor shall post every statement
7 of economic interest and travel and expense report of its staff,
8 agency secretaries, department heads, and any official under the
9 direct supervision of the Governor to the Reporting Transparency
10 in Government Internet Web site.

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